

HOUSE OF REPRESENTATIVES

FILED MAY 20 1985

By.

H.C.R. No. 239

CONCURRENT RESOLUTION

WHEREAS, Sam Hudson alleges that:

(1) The Department of Public Safety issued him "State Official" license plates;

(2) on or about May 20, 1983, his son, Sam Hudson IV, while driving the automobile with those license plates, was arrested because the Department of Public Safety had listed them as stolen and registered to another automobile; and

(3) as a result of this departmental error, he suffered great embarrassment and inconvenience; now, therefore, be it

RESOLVED by the Legislature of the State of Texas, That Sam Hudson is granted permission to sue the State of Texas and the Department of Public Safety for any relief to which he may be entitled as a result of this claim; and, be it further

RESOLVED, That this permission applies only to a suit filed before the second anniversary of the effective date of this resolution; and, be it further

RESOLVED, That in the event suit is filed, service of citation and other required process be made on the attorney general of the State of Texas and on the director of the Department of Public Safety and that the suit be tried as other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of

1 liability or of the truth of any allegation asserted by the
2 claimant, but the alleged cause of action must be proved under the
3 law of this state as in other civil suits; and, be it further

4 RESOLVED, That nothing in this resolution may be construed as
5 a waiver of any defense, of law or fact, available to the State of
6 Texas or to any of its employees, agents, departments, agencies, or
7 political subdivisions, but every defense is specifically reserved
8 except the defense of immunity from suit without legislative
9 permission; and, be it further

10 RESOLVED, That nothing in this resolution affects the state's
11 ability to plead res judicata to any issue; and, be it further

12 RESOLVED, That nothing in this resolution may be construed as
13 a waiver of the state's sovereign immunity under the Eleventh
14 Amendment to the United States Constitution or as granting
15 permission to sue the state in any federal court.

HOUSE COMMITTEE REPORT

1st. Printing

By Hudson of Dallas

H.C.R. No. 239

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COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

May 21, 1985
(date)

Sir:

We, your COMMITTEE ON JUDICIAL AFFAIRS, to whom was referred HCR 239 have had the same under considera-
tion and beg to report back with the recommendation that it: (measure)

- (x) do pass, without amendment.
- () do pass, with amendment(s).
- () do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. () yes (x) no An actuarial analysis was requested. () yes (x) no

An author's fiscal statement was requested. () yes (x) no

The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.

This measure () proposes new law. () amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Tejeda, Ch.	<input checked="" type="checkbox"/>			
Gilley, V.C.				<input checked="" type="checkbox"/>
Hinojosa, C.B.O.	<input checked="" type="checkbox"/>			
Evans, L.	<input checked="" type="checkbox"/>			
Green	<input checked="" type="checkbox"/>			
Hudson, S.	<input checked="" type="checkbox"/>			
Parker	<input checked="" type="checkbox"/>			
Patronella	<input checked="" type="checkbox"/>			
Smithee	<input checked="" type="checkbox"/>			

Total
8 aye
0 nay
0 present, not voting
1 absent

Frank Tejeda
CHAIRMAN
Laura Caffee
COMMITTEE COORDINATOR

1 By: Hudson of Dallas (Senate Sponsor - Mauzy) H.C.R. No. 239
2 (In the Senate - Received from the House May 23, 1985;
3 May 23, 1985, read first time and referred to Committee on
4 Jurisprudence; May 25, 1985, reported favorably; May 25, 1985, sent
5 to printer.)

6 CONCURRENT RESOLUTION

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46 * * * * *

47 Austin, Texas
48 May 25, 1985

49 Hon. William P. Hobby
50 President of the Senate

51 Sir:

52 We, your Committee on Jurisprudence to which was referred H.C.R.
53 No. 239, have had the same under consideration, and I am instructed
54 to report it back to the Senate with the recommendation that it do
55 pass and be printed.

56 Mauzy, Chairman

COMMITTEE HISTORY

COMMITTEE: Senate Jurisprudence

DATE: 5/24/85

H.C.R. 239 was reported back to the Senate as follows:
(Bill Number)

- ☒ Without amendments
☐ With amendments
☐ With Committee Substitute

Fiscal Implications: ☐ Yes
☒ No

Actuarial Implications: ☐ Yes
☒ No

	AYE	NAY	PNV	ABSENT
Senator Mauzy	✓			
Senator Brown	✓			
Senator Henderson	✓			
Senator Krier	✓			
Senator Montford	✓			
Senator Parker	✓			
Senator Whitmire	✓			
TOTAL	7	0		

The following witnesses testified on the bill:

FOR

AGAINST

RESOURCE WITNESS

HCR 239

By Hudson of Dallas

RESOLUTION ANALYSIS

PURPOSE:

Grants Sam Hudson permission to sue the state.

RESOLVES:

That Sam Hudson is granted permission to sue the State of Texas and the Department of Public Safety, and process be made upon the attorney general and the director of the Department of Public Safety.

PJR
As referred
May 23, 1985

REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Roy Blake, Chairman
Administration Committee

Sir:

Notice is hereby given that HCR 239, by: Hudson Maury
was heard by the Committee on JURISPRUDENCE on May 24, 1985,
and reported out with the recommendation that it be placed on the Local and Uncontested
Calendar.

Maury
Chairman of the reporting committee

IMPORTANT: THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL
OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR
RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON
ADMINISTRATION, ROOM 419. PLEASE CALL 5-1134 IF YOU HAVE ANY QUESTIONS.
DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 3:00 P.M.
FRIDAYS.

F

ENROLLED

H.C.R. No. 239

HOUSE CONCURRENT RESOLUTION

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Hudson of Dallas

H.C.R. No. 239

President of the Senate

Speaker of the House

I certify that H.C.R. No. 239 was adopted by the House on May 23, 1985, by a non-record vote.

Chief Clerk of the House

I certify that H.C.R. No. 239 was adopted by the Senate on May 26, 1985.

Secretary of the Senate

APPROVED: _____

Date

Governor

* H. C. R. No. 237

By Samuel Hudson

HOUSE CONCURRENT RESOLUTION

granting Samuel Hudson permission to sue the state.

MAY 20 1985

1. Filed with the Chief Clerk.

MAY 21 1985

2. Read first time and referred to Committee on Judicial Affairs

MAY 21 1985

3. Reported ^{favorably} ~~(as amended)~~ and sent to Printer at 7:30 P.M.
unfavorably (time)

MAY 22 1985

4. Printed and distributed at 2:59 A.M.
(time)

MAY 22 1985

5. Sent to Committee on Calendars at 1:22 8:13 A.M.
(time)

MAY 23 1985

6. Read and (adopted) ~~(failed)~~ ~~(as amended)~~ by a (Non-Record Vote) ~~(Record Vote of~~
 yeas, nays. present, not voting).

7. Ordered Engrossed : M.
(time)

8. Engrossed.

9. Returned to Chief Clerk at : M.
(time)

MAY 23 1985

10. Sent to Senate.

Betty Murray

Chief Clerk of the House

MAY 23 1985

11. Received from the House.

MAY 23 1985

12. Read first time and referred to Committee on JURISPRUDENCE

MAY 25 1985

13. Reported favorably.

14. Ordered not printed by the Senate.

15. Immediate consideration ordered by (unanimous consent)

(_____ years, _____ nays)

MAY 26 1985 *laid before the Senate.*

16. Read and adopted.

Betty King

Secretary of the Senate

May 26, 1985

17. Returned to the House.

18. Received from the Senate (with amendments).

19. House (Concurred) (Refused to Concur) in Senate Amendments by a (Non-Record Vote) (Record Vote of _____ years, _____ nays, _____ present, not voting).

20. Conference Committee Ordered.

21. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ years, _____ nays, and _____ present, not voting).

MAY 26 1985

22. Ordered Enrolled at 3:43 p. M.
(time)

PAID REGISTERED MAIL
MAY 22 1985